IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

Bail Appl..No. 572 of 2007()

AGAINST THE ORDER DATED 04/01/2007 IN CMP.20/2007 of J.M.F.C.-II,HOSDRUG

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: PETITIONER/ACCUSED NOS.2 AND 3

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1. SABU.P. @ SACARIYA,
   S/O YOHANNAN, PATHAPARAMBIL HOUSE,
   RAJAGIRI, KANAMVAYAL, PULINGOM VILLAGE.

2. SURENDRAN.N.S., S/O.SREEDHARAN,
   NARAMBIL VEED, RAJAGIRI, PULINGOME VILLAGE.

BY ADV. SMT.T.SUDHAMANI

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA REP.BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 572 OF 2007

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DATED THIS THE 1ST DAY OF FEBRUARY, 2007

O R D E R

In this Petition filed under Sec.439 Cr.P.C. the petitioners who are accused 2 and 3 in Crime No.162/06 of Chittarikkal Police Station for offences punishable under Sections 8(1) and 8(2) of the Abkari Act for having been found in possession of 30 litres of illicit arrack on 23.12.2006, seek their enlargement on bail. They were arrested on the same day.

2. I heard the learned counsel for the petitioners and the learned Public Prosecutor.

3. Having regard to the nature of the offences, the duration of judicial custody of the petitioners and the other circumstances of the case etc., I am inclined to grant bail to the petitioners with effect from 12.2.2007. Accordingly, the petitioners are directed to be released on bail with effect from 12.2.2007 on each of them executing a bond for Rs.20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-II, Hosdurg and subject to the following conditions:

1. Petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

3. The petitioners shall not commit any offence while on bail.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR,JUDGE.

dsn